

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

SHELLY FENDER,

Case No. 1:11-cv-412

Plaintiff,
v.

Spiegel, J.
Bowman, M.J.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

Plaintiff Shelly Fender filed this Social Security appeal in order to challenge the Defendant's finding that she is not disabled. See 42 U.S.C. §405(g). In response to the complaint, Defendant filed a motion to dismiss, arguing that the appeal is untimely (Doc. 6). Although the undersigned initially recommended that Defendant's motion be granted (Doc. 8), the presiding district judge overruled that Report and Recommendation, holding that Plaintiff was entitled to equitable tolling in order to permit her day-late complaint to proceed. (Doc. 10). Accordingly, **IT IS ORDERED:**

1. The Commissioner shall file the administrative record on or before **June 8, 2012**;
2. Plaintiff shall file her statement of errors within forty-five (45) days of the date the administrative record is filed.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge